

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REGENT MUSIC CORPORATION,

07 CIV. 9510 (LLS)

Plaintiff,

-against-

SUGAR HILL MUSIC PUBLISHING, LTD.,
and JOSEPH ROBINSON, JR.,

Defendants.

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**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
OF MOTION TO DISMISS**

This memorandum is submitted by defendants Sugar Hill Music Publishing, Ltd.
and Joseph Robinson, Jr. in support of their motion to dismiss the complaint.

STATEMENT OF FACTS

In its complaint, plaintiff Regent Music Corp. alleges that it is the “exclusive sub-publisher and administrator...of the musical composition entitled ‘Apache’ written by Jeremiah Lordan (the “Composition”) and owned by Francis, Day & Hunter, Ltd.” (Complaint, Ex. A to Cinque Dec., ¶ 4). Regent alleges in paragraph 8 of its complaint that the Composition is currently protected by a renewal registration number RE 380196 issued to Francis, Day & Hunter:

Francis, Day & Hunter, Ltd. secured a United States
Copyright Registration in the Composition on July 29, 1960

under registration No. Efor75663 and renewed it on March 7, 1988 under registration N. RE 380196.

However, registration number RE 380-196 is not issued in the name of Francis, Day & Hunter, Ltd., but rather in the name of Jerry Lordan (Ex. B to the Cinque Dec.).

POINT I

REGENT LACKS STANDING TO SUE

Under 17 U.S.C. §501(b) only the legal or beneficial owner of a copyright is entitled to sue for infringement:

The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of Section 411, to institute an action for an infringement of that particular right committed while he or she is the owner of it.

As Regent is neither a legal or beneficial owner of copyright registration RE 380-196 (owned by Jerry Lordan), Regent lacks standing to sue for infringement of this copyright and the complaint should be dismissed.

Respectfully submitted,

CINQUE & CINQUE, P. C.

By: _____/s/_____

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